



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,615	08/30/2001	John S. Erickson	1509-217	6749
7590 02/27/2006 HEWLETT-PACKARD COMPANY P.O. BOX 272400 FORT COLLINS, CO 80527-2400			EXAMINER PWU, JEFFREY C	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,615

Applicant(s)

ERICKSON ET AL.

Examiner

Jeffrey C. Pwu

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/27/05 Amendment/RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by DeMello et al. (U.S.6,891,953).

DeMello et al. teaches claims :

1. Apparatus for providing a proxy service between one or more client platforms and one or more remote content providers of electronic content or information, the apparatus comprising means for receiving and interprets a request from a client platform for electronic content from a content provider (70, 73, 76 “DRM (Digital Rights Management System) & Fulfillment Site”),

Art Unit: 2143

means for transmitting said request to said content provider for receiving data including at least one marker for identifying the location of a remote policy enforcement server appropriate to the content being requested (80 “Content Store – LIT files” which Retrieves LIT files based on location returned by PlugIn Module), means for interpreting said at least one marker and for transmitting a request on behalf of said client platform for a clear content version of said content to said client platform in response to the requirements of the remote policy enforcement server being met. (col.21, line 35-col.25, line 64; “License Generation”)

2. Apparatus for providing a proxy service between one or more client platforms and one or more remote platforms arranged to receive electronic content or information from said one or more client platforms, the apparatus comprising a receiver for receiving data from the client platform for transmission to a remote platform, said data being representative of the information or content to be provided to said remote platform and including at least one marker for identifying the location of a remote information handling policy enforcement service appropriate to the information being provided, a processor arrangement for interpreting said at least one marker, a transmitter for transmitting a request to the appropriate information handling policy enforcement service for a clear-content version of said information to be provided to said remote location in response to the requirements of said information handling policy enforcement service being met. (Claim 2 is similarly rejected as in claim1)

3. Apparatus according to claim 1, wherein in response to a request for content for the proxy service, at least one of the content providers is arranged to return a data stream including one or

Art Unit: 2143

more markers including details of the location of one or more other services with which the proxy service providing apparatus must interact before a copy of the content can be transmitted to the one or more client platforms. (see server of Digital Rights Management System 70 and interaction among 72, 74, 90, 76, 78, 86, 88, 84, 82, 80)

4. Apparatus according to claim 3, wherein the markers are embedded within the data stream and only recognizable and interpretable by a specific arrangement in the proxy service and can not be recognized and interpreted by the one or more client platforms.

5. Apparatus according to claim 1, wherein the client platform includes a web browser including the transmitter, the means for transmitting being arranged for transmitting a request for the content to the remote license enforcement server, the proxy service providing apparatus being arranged to include a session ID in the request data relating to the client platform. (col.16, lines 3-4 “TransactionID – a string that uniquely identifies each transaction on the bookstore site 72”)

6. Apparatus according to claim 1, wherein in response to the means for receiving the request for content receiving the content request from the proxy service and the policy enforcement server having verified the legitimacy of the request, the policy enforcement server is arranged to create a clear-content version of the content and store said version at a particular location and return details of said location to the proxy service. (see flow diagram of fig.10 “Fulfillment DB 89”)

Art Unit: 2143

7. Apparatus according to claim 6, further including a memory for temporarily storing said clear-content version of the content. (col.25, line 65-col.27, line 68; pay particular attention at step 1-5 “all processing is carried out in the temporary memory space created during step 4”)

8. Apparatus according to claim 6, wherein the proxy service is arranged to transmit to the client platform the details of the storage location where the clear-content version of the content is stored, so that the client platform can retrieve said clear-content copy in response to certain requirements of the policy enforcement server being met (col.14, line 60 – “UserName--a string containing the name of the rightful owner of the eBook purchased. This string preferably maps to the consumer listed in the credit card used for the commercial transaction, although this is left as policy to be set by the content source (e.g. the publisher) in accordance with the fulfillment center. This string is the name that will later be used by the Download Server ISAPI 78 to individually seal the titles (i.e. to generate the Bookplate). It will be recalled that individualized titles (e.g., level 3 and level 5) incorporate the user's name into the LIT file and bind that name to the decryption key, so that the origin of unauthorized distribution of content can be detected. Therefore, it is preferably that the purchaser's name come from a reliable source (such as the user's credit card), rather than from an unverifiable source (such as user input). Although the foregoing example assumes that a name will be inserted into this field, the actual contents of the field is determined by the retailer, and it could contain any information (e.g., credit card number, transaction ID, receipt ID, etc.)--preferably information that relates to the purchase or purchaser so as to permit surveillance and tracking of the copy”)

Art Unit: 2143

9. A method of providing a proxy service between one or more client platforms and one or more remote content servers providing electronic content, the method comprising receiving and interpreting a request from a client platform for electronic content from a content server, transmitting said request to said content server and receiving data including at least one marker identifying the location of a remote policy enforcement server appropriate to the content being requested, interpreting said one or more markers, and transmitting a request on behalf of said client platforms for a clear-content version of said content to said client platform in response to the requirements of said policy enforcement server being met. (Claim 9 is similarly rejected as in claim 1)

10. A method of providing a proxy service between one or more client platforms and one or more remote platforms arranged to receive electronic content or information from said one or more client platforms, the method comprising receiving data from a client platform for transmission to a remote platform, said data being representative of information or content to be provided to said remote platform and including at least one marker identifying the location of a remote information handling policy enforcement service appropriate to the information being provided, interpreting said one or more markers, and transmitting a request to the appropriate information handling policy enforcement service for a clear-content version of said information to be provided to said remote location in response to the requirements of said information handling policy enforcement service being met. (Claim 10 is similarly rejected as in claim 1)

Art Unit: 2143

11. Apparatus according to claim 1 in combination with:

- (a) the one or more client platforms, (Fig.4)
- (b) the one or more remote client providers, and (Fig.5, Bookstore IIS Server (1 of N))
- (c) the remote policy enforcement server, the client platforms including a receiver for the clear-content version of said content, and the policy enforcement server being arranged to transmit to the apparatus an indication of requirements being met. (col.21, line 35-col.25, line 64; "License Generation")

12. Apparatus according to claim 2 in combination with:

- (a) the one or more client platforms, the one or more remote platforms being arranged to receive electronic content or information from the one or more client platforms; and (b) a server of-the remote information handling policy enforcement service, the server of the remote information handling policy enforcement service being arranged for: (i) receiving from the apparatus the request for a clear-content version of said information to be provided to the remote location; and (ii) transmitting to the apparatus an indication that the requirements of the information handling policy enforcement service are being met. (Fig.4, see DRM & Fulfillment Server/Site(Fig.5, flow chart and method steps),

13. Apparatus according to claim 1, wherein the means for receiving is arranged for receiving additional data including at least one marker for identifying the location of a remote information handling service based on the content being requested and the means for transmitting being arranged for transmitting to said client platform a request on behalf of said client platform for a

Art Unit: 2143

clear-content version of said content in response to the requirements of the information handling server being met. (fig.5, 72, passes URL input parameters & return encrypted blob),

14. A method according to claim 9, further including receiving data including at least one marker identifying the location of an information handling server based on the content being requested, interpreting said one or more markers, identifying the location of the information handling server, and transmitting to said client platform a request on behalf of said client platforms for a clear-content version of said content in response to the requirements of said information handling server being met. (col.9, line 6-col.10, line 45)

15. Apparatus according to claim 1 in combination with a remote information handling server based on the content being requested, the means for receiving being arranged for receiving additional data including at least one marker for identifying the location of a remote information handling server appropriate to the content being requested and the remote information handling server. (col.9, line 6-col.10, line 45)

16. Apparatus according to claim 6, wherein the particular location is local relative to the apparatus and includes a storage device for storing the clear-content version of the content. (col.9, line 6-col.10, line 45)

17. Apparatus according to claim 6, wherein the particular location is remote relative to the apparatus and includes a storage device for storing the clear-content version of the content.

18. In combination, a client computer platform including a browser, a proxy server, a content server, a digital rights management file server, and a digital rights management service; the client computer platform, proxy server, content server, digital rights management file server and digital rights management service being coupled with each other and arranged so that in response to the client computer platform making a request for a network resource, the browser transmits the network resource request to the proxy server, which in turn transmits the network request to the content server, which in turn fetches the requested resource and transmits the requested resource and an embedded markup tag that calls for another resource to the proxy server, which in turn recognizes the embedded markup tag; the client computer platform being unable to recognize or interpret the embedded markup tag; the proxy server extracting from the embedded markup tag the location of the digital rights management file; the digital rights management file being located in a place separate from the proxy server; the proxy server responding to the extracted location of the digital rights management file by transmitting the extracted location of the digital rights management file to the digital rights management server, which in turn fetches the digital rights management file indicated by the embedded markup tag and transmits the fetched digital rights management file to the proxy server, which in turn extracts from the fetched digital rights management file the content type and content location of the actual content objects; in response to the content type of the actual content object being the same as a predetermined content type, the proxy server transmits (a) a clear tag to the client computer platform, and (b) a request to the digital rights management service to produce a session specific clear-content version of the requested resource; the digital rights management service responding to the request transmitted to it to (a) produce the session specific clear-

Art Unit: 2143

content version of the requested resource and an identification of the session specific clear-content version of the requested resource, and (b) transmit the identification to the proxy server, which in turn transmits the identification to the client computer platform, which in turn obtains the session specific clear-content version of the requested resource from the digital rights management service in response to the client computer platform and the digital rights management service having the same session specific identifications. (Claim 18 is similarly rejected as in claims 1-8)

19. The combination of claim 18 wherein the digital rights management service is arranged to; (a) produce the session-specific clear content version of the requested resource by locating an encrypted version of the digital rights management file as held in an' encrypted content archive, which in turn transmits the encrypted file to a decryption operation, which in turn derives a clear content version of the encrypted file, which is supplied to a memory with the identification of the session specific clear-content version of the requested resource, and (b) transmit the session specific clear content version of the requested resource to the client computer platform in response to the client computer platform supplying to the digital rights management service the same session specific identification as the identification in the memory for the session specific clear-content version of the requested resource. (Claim 19 is similarly rejected as in claims 1-8)

Response to Arguments

4. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



2/19/06

JEFFREY PWU
PRIMARY EXAMINER